



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/353,592 07/15/99 RIVERA

A 101054

027049
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IM52/0919

EXAMINER

HON, S

ART UNIT

PAPER NUMBER

1772

DATE MAILED:

09/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Applicati n No.

09/353,592

Applicant(s)

RIVERA ET AL.

Examiner

Sow-Fun Hon

Art Unit

1772

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 28 August 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachment to Advisory Action.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: Attachment to Advisory Action

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Attachment to Advisory Action

1. Applicant's arguments in Paper # 10 (filed 08/28/01) with respect to the valid use of Leung et al. have been fully considered but deemed unpersuasive.

2. a) Applicant argues that Leung et al. fail to disclose the limitation of independent claim 1 that a rate modifier for the polymerizable or cross-linkable material is disposed on an outer surface of said inner container.

Leung et al. teach that the polymerizable and/or crosslinkable material is stored separately within the (inner) container so as not to contact the initiator (rate modifier), and that the (inner) container may be lined or coated with the initiator (rate modifier) (column 10, lines 43-55). When the terms "lined" and "coated" are paired in the alternative, it is obvious to one of ordinary skill in the art to coat the outer surface of the (inner) container as an alternative to lining the (inner) surface of the inner container. Leung et al.'s teaching that the polymerizable and/or crosslinkable material should not contact the initiator provides the motivation to separate the two. Because the terms "lined" and "coated" are paired in the alternative, it would have been obvious to one of ordinary skill in the art to have coated the outer surface of the inner container, with the rate modifier.

b) Applicant argues that the method steps of independent claim 24 which is directed to a method of making an applicator for dispensing a polymerizable or crosslinkable material, comprising sealing a polymerizable or crosslinkable material in an inner container, applying a rate modifier to an outer surface of said inner container, and disposing the inner container within an outer container having dispensing means, are not obvious over Leung et al., because Leung et al. does not teach or suggest each and every limitation of the claimed invention.

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c) Applicant argues that the method steps of claim 28 which depends on claim 1, which is directed to a method of applying a polymerizable or crosslinkable material to a substrate, comprising providing an applicator according to claim 1, opening said inner container to contact said material with said rate modifier, and dispensing said material from said outer container, are not obvious over Leung et al., because Leung et al. does not teach or suggest specific applicator of claim 1.


Leung et al. give an example where the monomer (polymerizable) material are in glass ampoules (sealed), squeezing the applicator tube to shatter the glass ampoule thus releasing the material (and contacting the rate modifier) and forcing the material out of the tip by squeezing the applicator tube (column 12, lines 15-25). The application of the rate modifier to the outer surface of the glass ampoule (termed "container" in column 10, lines 43-55). Therefore Leung et al. do teach or suggest the method steps.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (703)308-3265. The examiner can normally be reached Monday to Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703)308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

SH
09/14/01


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

9/14/01